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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,741	09/05/2003	Brian P. Bjorklund	030066	9081

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EXAMINER
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CHANG, YEAN HSI

ART UNIT	PAPER NUMBER
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2835

DATE MAILED: 02/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/656,741

Applicant(s)

BJORKLUND, BRIAN P. 

Examiner

Yean-Hsi Chang

Art Unit

2835

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 and 22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 and 22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 18 is objected to because of the following informalities: The "the open ended housing" lacks antecedent basis. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 6 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Jindrick et al. (US 4,964,017).

Jindrick teaches an apparatus (fig. 1) for supporting and mounting at least one module (for example 59) on a surface (underneath, not shown), said apparatus comprising: a housing (1) attachable to a portion (not shown) of the surface, said housing having a channel (58B) therein sized to receive and support at least a portion of at least one module therein, and the channel being covered by a cover panel (28) on a side opposite the portion of the surface (shown in fig. 1), and at least one mounting member (2A) on said housing for attaching said housing to the surface, wherein a slot

(on 40) is formed between the cover panel and the portion of the surface (shown in fig. 5) that is capable of receiving the at least one module (for example, 59) by moving the at least one module into the slot in a direction (shown in fig. 5) parallel to the cover panel (claims 1 and 17); wherein said housing comprises a three-sided box (shown in fig. 1) (claim 2); wherein one end of said three-sided box is enclosed (shown in fig. 2) (claim 3); and wherein said housing is configured to cooperate with fasteners (shown in fig. 2A, not labeled) for fastening said at least one modules to said housing (claim 6).

4. Claims 7-10, 12 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Jindrick et al.

Jindrick teaches a housing (40, fig. 2) for supporting and mounting at least one module (for example, 43), said housing comprising: a first panel member (40A), a second panel member (15) connected to said first panel member, a third panel member (40B) connected to said second panel member opposite said first panel member, wherein a slot (58A) is formed between said first and third panel members capable of receiving the at least one module, and the slot is capable of receiving the at least one module by moving the at least one module into the slot in a direction (shown in fig. 5) toward the second panel member, a cover panel member (28) attached to the first, second and third panel members such that the cover panel member covers a side of the slot (shown in figs. 1 and 2), and at least one mounting member (lower portion of 40A and 40B) capable of mounting said housing to a surface (2A), wherein at least one of the first and third panel members includes the at least one mounting member, and the

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surface and cover panel members are opposite each other (claim 7); wherein said slot is U-shaped (shown in fig. 5) and sized to slidably receive said at least one module (see fig. 5) (claim 8); wherein said first panel member has a first extended side (extending to the rear, shown in fig. 2A) and wherein said third panel has a second extended side (extending to the rear, shown in fig. 2A) (claim 9); wherein said first panel member has at least one first orifice (not shown) and said third panel member has at least one second orifice (shown in fig. 2A, not labeled), and the at least one first orifice and the at least one second orifice are positioned opposite the second panel member (as shown in fig. 2A) (claim 10); wherein said first panel member has at least one lower hole (not shown) positioned transverse to said at least one orifice, and wherein said third panel member has at least one upper hole (shown in fig. 5, not labeled) positioned transverse to said at least one second orifice (claim 12); and wherein said housing further comprises a rear panel (20B) connected to said first, second and third panels and positioned parallel to said slot (claim 16).

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 18-20 and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Rumney (US 6,661,677 B1).

Rumney teaches a method of mounting at least one module (2, fig. 1) on an cabinet (fig. 5), comprising: forming an open ended channel (formed with panels 10 as shown in fig. 5) on a portion (23) of the cabinet (16), the open ended channel being covered by a cover panel (11) on a side (upper side) opposite the portion of the cabinet, inserting at least a portion of the at least one module (2) into the open ended channel (fig. 1) by moving the at least one module into the open ended channel in a direction parallel to the portion of the cabinet (shown in figs. 1 and 5), wherein the forming comprises attaching the open ended channel to a surface (surface of 23) of the portion of the cabinet such that the open ended channel is disposed between the cover panel and the surface (shown in fig. 5), the open ended channel being attached the surface by at least one mounting member (14) included on at least one of two opposite sides of the open ended channel (claim 18); wherein the open ended channel is formed with only one open end (the rear end of the channel being closed, see col. 3, line 6) through which at least a portion of the at least one module is inserted (shown in fig. 2) (claim 19); engaging a fastener (25) on a portion of the at least one module with a portion (20) of a housing (1) (claim 20); and wherein the at least one mounting member includes at least one fastener (see col. 3, lines 27-30) selected from the group consisting of fasteners containing magnets, hook and loop fasteners and screws (claim 22).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 4 and 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jindrick et al. (US 4,964,017) in view of Kato et al. (US 6,151,206).

Jindrick discloses the claimed invention except the at least one mounting member comprises at least one magnet.

Kato teaches a magnetic strip (134C, fig. 12) for removably mounting a housing (31) to a surface (surface of 3).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Jindrick with the magnetic strip taught by Kato for removably securing the housing to the surface for easy attaching and removal without a tool.

9. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jindrick et al. (US 4,964,017) in view of Adams et al. (US 6,697,262).

Jindrick discloses the claimed invention except the at least one mounting member comprises hook and loop fasteners.

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Adams teaches hook and loop fasteners (10A and 10B, fig. 1) for removably mounting a module (6) to a surface (8).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Jindrick with the fasteners taught by Adams for removably securing the housing to the surface for easy attaching and removal without a tool.

10. Claims 11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jindrick et al. in view of Rumney.

Jindrick discloses the claimed invention except the at least one first orifice and the at least one second orifice are positioned to receive fasteners attached to said at least one module to secure said at least one module on said housing, and wherein said at least one mounting member is at least two mounting members positioned through said at least lower hole and at least one upper hole for mounting said housing to the surface.

Rumney teaches a housing (1, fig. 1) comprising: at least one first orifices (20) and at least one second orifices positioned to receive fasteners attached to at least one module (2) to secure said at least one module on said housing, and at least two mounting member (not shown, see col. 3, lines 27-30) positioned through at least two holes (15) for mounting said housing to a surface (23).



It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Jindrick with the housing taught by Rumney for securing the module to the housing and secure the housing to the surface.

### ***Response to Arguments***

11. Applicant's arguments with respect to claims 1-17 have been considered but are moot in view of the new ground(s) of rejection.

12. Applicant's arguments regarding claims 18-20 and 22 have been fully considered but they are not persuasive. Applicant argues, "Rumney does not teach anything like first and/or third panel members that include at least one mounting member, or surface and cover panel members that are opposite each other, as required by claim ... 18 as currently amended". As stated in section 6, hereinabove, Rumney discloses all these elements, such as: first and/or third panel members 10, at least one mounting member 14, surface and cover panel members 23 and 11 that are opposite each other, as shown in figs. 1, 4 and 5.

### ***Conclusion***

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### ***Correspondence***

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yean-Hsi Chang whose telephone number is (571) 272-2038. The examiner can normally be reached on 07:30 - 16:00, Monday through Thursday.


If attempts to reach the examiner by telephone are unsuccessful, the Art Unit phone number is (571) 272-2800, ext. 35. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained

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from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-8558.

Yean-Hsi Chang  
Primary Examiner  
Art Unit: 2835  
February 15, 2006



**YEAN-HSI CHANG**  
**PRIMARY EXAMINER**